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**FILED**  
DISTRICT COURT OF GUAM

AUG 21 2008 *nbc*

**JEANNE G. QUINATA**  
Clerk of Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

ROQUE CHARGUALAF INOCENTES,  
BENITA SAN NICOLAS CAMP,  
JESSE CHACO NAUTA, and  
FRANK SAN NICOLAS CAMP,  
Defendants.

CRIMINAL CASE NO. **08-00044**  
**COMPLAINT**

**TAKING OF A THREATENED SPECIES**  
[16 U.S.C. §§ 1538(a)(1)(B), 1538 (a)(1)(D)  
& 1540(b)(1)]

THE UNDERSIGNED COMPLAINANT CHARGES UPON INFORMATION AND BELIEF  
THAT:

On or about May 20, 2008, within the District of Guam, the defendants herein, ROQUE CHARGUALAF INOCENTES, BENITA SAN NICOLAS CAMP, JESSE CHACO NAUTA, and FRANK SAN NICOLAS CAMP, did unlawfully and knowingly take, possess, carry and transport one (1) green sea turtle (*chelonina mydas*) that was taken in violation of Title 50, Code of Federal Regulations, Section 17.42(b)(1),

All in violation of Title 16, United States Code, Sections 1538(a)(1)(B), 1538(a)(1)(D) and 1540(b)(1), Title 18, United States Code, Section 2, and Title 50, Code of Federal Regulations, Section 17.31(a).

COMPLAINANT FURTHER STATES:

I, Kevin L. Seiler, Special Agent, being first duly sworn, do depose and state as follows:

1) I am a Special Agent (SA) with the United States Department of the Interior, Fish & Wildlife Service (USFWS), Office of Law Enforcement - Marianas, and make this affidavit in the course of my official duties. I have been employed by the USFWS Office of Law Enforcement since October 2004 and served as a Wildlife Inspector for over three (3) years. In addition, I have served as a USFWS SA for over one and a half (1 1/2) years, beginning in January 2007. My duties include the enforcement of Federal wildlife laws and regulations.

2) I am familiar, based on my training and experience, with the laws and regulations primarily enforced by the USFWS, such as the Endangered Species Act, Title 16, United States Code, Section 1538. I am making this affidavit in support of an application for warrants of arrest for Roque C. INOCENTES (hereinafter INOCENTES), Benita San Nicolas CAMP (hereinafter B.CAMP), Jesse C. NAUTA (hereinafter NAUTA), and Frank San Nicolas CAMP (hereinafter F. CAMP). The information contained in this affidavit is based upon my personal investigation and information provided to me by other law enforcement officers and individuals as discussed below.

3) On 05/20/2008, at approximately 1500 hours in the District of Guam, Conservation Officers (CO) from the Guam Department of Agriculture, Division of Aquatic and Wildlife Resources (DAWR) responded to an anonymous complaint of four (4) individuals attempting to unlawfully take a sea turtle along the reef area adjacent to the Mount Carmel Cemetery in the Village of Agat, Guam. This area is within the territorial sea of the United States. CO's Rolando Delfin, Lt. Michael Reyes, and Sgt Mark Aguon located INOCENTES, B. CAMP, NAUTA, and F. CAMP swimming in the water with spearguns and snorkeling equipment.

4) CO Delfin further observed F. CAMP and NAUTA leave the water and walk to a Nissan pickup truck bearing Guam tag# 1670 MSR, where they waited for INOCENTES and B.

1 CAMP to leave the water. B. CAMP was dragging an object behind her below the surface of the  
2 water, which object was later identified as an unlawfully taken green sea turtle, *Chelonia mydas*.

3 5) NAUTA relocated the pickup truck to the shoreline near the water's edge and  
4 INOCENTES placed the items he was carrying into the bed of the truck; B. CAMP remained in  
5 the water with the green sea turtle. NAUTA and INOCENTES then approached B. CAMP and  
6 lifted the green sea turtle into the bed of the pickup truck while F. CAMP watched. B. CAMP  
7 and INOCENTES then quickly climbed into the bed of the pickup truck while F. CAMP rushed  
8 to the passenger side of the truck cab and NAUTA rushed to the driver's seat. NAUTA, F.  
9 CAMP, INOCENTES, and B. CAMP, then drove away in the pickup truck, thereby transporting  
10 the green sea turtle away from the area.

11 6) The DAWR CO's initiated a traffic stop and found INOCENTES sitting in the bed of  
12 the pickup truck, on top of a turtle. This was identified as a green sea turtle (*Chelonia mydas*), a  
13 species listed as Threatened under the US Endangered Species Act. Further investigation  
14 revealed the sea turtle was freshly killed and a puncture wound was discovered over the left  
15 breast plate of the *plastron* (under-shell). The puncture wound corresponded to the general  
16 diameter and shape of the spear points found on all four (4) spearguns found in the pickup truck.

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1 7) I have probable cause to believe that the above-listed individuals have violated the  
2 Endangered Species Act, Title 16 U.S.C. §§ 1538(a)(1)(B & D) and 50 C.F.R. §17.31(a), which  
3 makes it unlawful to take, possess or transport an unlawfully taken species listed as Threatened  
4 under the Endangered Species Act

5 FURTHER AFFIANT SAYETH NAUGHT.

6   
7 KEVIN SEILER  
8 Special Agent  
9 US Fish and Wildlife Service  
Office of Law Enforcement - Marianas

10 SUBSCRIBED AND SWORN to before me on this 2<sup>nd</sup> day of August, 2008.

11   
12 JOAQUIN V.E. MANIBUSAN, JR.  
13 U.S. Magistrate Judge  
14 District Court of Guam